

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Case No. 5:24-cv-00221-M

TIMOTHY RYAN STARNES, )  
                                )  
Plaintiff,                 )  
                                )  
v.                             ) ORDER  
                                )  
FRANK BISIGNANO,<sup>1</sup>      )  
*Commissioner of Social Security,*      )  
                                )  
Defendant.                 )  
                                )

This matter comes before the court on the memorandum and recommendation (“M&R”) entered by Magistrate Judge Robert B. Jones, Jr. on April 7, 2025. [DE 17]. Judge Jones recommends that the court reverse the final decision of the Commissioner and remand the matter for further proceedings. *Id.* at 15. Judge Jones instructed the parties to file any written objections on or before April 21, 2025. *Id.* Neither party filed a timely objection.

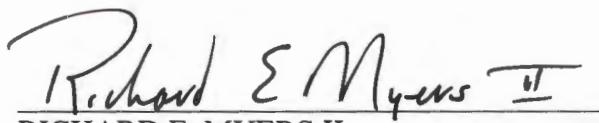
A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[ ] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

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<sup>1</sup> Frank Bisignano is automatically substituted as the defendant pursuant to Fed. R. Civ. P. 25(d).

Upon careful review of the M&R and the record presented, the court finds no clear error. *See Diamond*, 416 F.3d at 315. The court thus ADOPTS the M&R [DE 17] in full. Accordingly, the final decision of the Commissioner is REVERSED, and the court REMANDS this matter for further proceedings consistent with this order. The Clerk of Court is DIRECTED to close this case.

SO ORDERED this 6<sup>th</sup> day of May, 2025.

  
RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE